

107TH CONGRESS
2D SESSION

S. 2070

To amend part A of title IV to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2002

Mr. BINGAMAN (for himself and Mr. KERRY) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend part A of title IV to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Children First Act of
5 2002”.

1 **SEC. 2. EXCLUSION OF CHILD CARE FROM DETERMINA-**
 2 **TION OF 5-YEAR LIMIT.**

3 Section 408(a)(7) of the Social Security Act (42
 4 U.S.C. 608(a)(7)) is amended by adding at the end the
 5 following:

6 “(H) LIMITATION ON MEANING OF ‘AS-
 7 SISTANCE’ FOR FAMILIES RECEIVING CHILD
 8 CARE.—For purposes of subparagraph (A), any
 9 funds provided under this part that are used to
 10 provide child care for a family during a month
 11 under the State program funded under this
 12 part shall not be considered assistance under
 13 the program.”.

14 **SEC. 3. INCREASE IN FUNDING FOR CHILD CARE.**

15 (a) INCREASE IN FUNDING.—Section 418(a)(3) of
 16 the Social Security Act (42 U.S.C. 618(a)(3)) is
 17 amended—

18 (1) by striking “and” at the end of subpara-
 19 graph (E);

20 (2) by striking the period at the end of sub-
 21 paragraph (F) and inserting a semicolon; and

22 (3) by adding at the end the following:

23 “(G) \$3,967,000,000 for fiscal year 2003;

24 “(H) \$4,467,000,000 for fiscal year 2004;

25 “(I) \$4,967,000,000 for fiscal year 2005;

1 “(J) \$5,467,000,000 for fiscal year 2006;
 2 and
 3 “(K) \$5,967,000,000 for fiscal year
 4 2007.”.

5 (b) INCREASE IN SET ASIDE FOR CHILD CARE QUAL-
 6 ITY.—Section 658G of the Child Care and Development
 7 Block Grant Act of 1990 (42 U.S.C. 9858e) is amended
 8 by striking “4 percent” and inserting “12 percent”.

9 **SEC. 4. CLARIFICATION OF AUTHORITY OF STATES TO USE**
 10 **TANF FUNDS CARRIED OVER FROM PRIOR**
 11 **YEARS TO PROVIDE TANF BENEFITS AND**
 12 **SERVICES.**

13 Section 404(e) of the Social Security Act (42 U.S.C.
 14 604(e)) is amended—

15 (1) in the subsection heading, by striking “AS-
 16 SISTANCE” and inserting “BENEFITS OR SERVICES”;
 17 and

18 (2) after the heading, by striking “assistance”
 19 and inserting “any benefit or service that may be
 20 provided”.

21 **SEC. 5. APPLICABILITY OF STATE OR LOCAL HEALTH AND**
 22 **SAFETY STANDARDS TO OTHER TANF CHILD**
 23 **CARE SPENDING.**

24 Section 402(a) of the Social Security Act (42 U.S.C.
 25 602(a)) is amended by adding at the end the following:

1 “(8) CERTIFICATION OF PROCEDURES TO EN-
 2 SURE THAT CHILD CARE PROVIDERS COMPLY WITH
 3 APPLICABLE STATE OR LOCAL HEALTH AND SAFETY
 4 STANDARDS.—A certification by the chief executive
 5 officer of the State that procedures are in effect to
 6 ensure that any child care provider in the State that
 7 provides services for which assistance is provided
 8 under the State program funded under this part
 9 complies with all applicable State or local health and
 10 safety requirements as described in section
 11 658E(c)(2)(F) of the Child Care and Development
 12 Block Grant Act of 1990.”.

13 **SEC. 6. AVAILABILITY OF CHILD CARE FOR PARENTS RE-**
 14 **QUIRED TO WORK.**

15 Section 407(e)(2) of the Social Security Act (42
 16 U.S.C. 607(e)(2)) is amended—

17 (1) by inserting “or other individual with cus-
 18 tody” after “parent”; and

19 (2) by striking “6” and inserting “13”.

20 **SEC. 7. APPLICATION OF CHILD CARE AND DEVELOPMENT**
 21 **BLOCK GRANT ACT OF 1990 REPORTING**
 22 **RULES TO TANF FUNDS EXPENDED FOR**
 23 **CHILD CARE.**

24 (a) IN GENERAL.—Section 411(a) of the Social Secu-
 25 rity Act (42 U.S.C. 611(a)) is amended—

1 (1) by redesignating paragraph (7) as para-
 2 graph (8); and

3 (2) by inserting after paragraph (6), the fol-
 4 lowing:

5 “(7) APPLICATION OF CHILD CARE AND DEVEL-
 6 OPMENT BLOCK GRANT ACT OF 1990 REPORTING
 7 RULES TO FUNDS EXPENDED FOR CHILD CARE.—
 8 Any funds provided under this part that are ex-
 9 pended for child care, whether or not transferred to
 10 the Child Care and Development Block Grant Act of
 11 1990, shall be subject to the individual and case
 12 data reporting requirements imposed under that Act
 13 and need not be included in the report required by
 14 paragraph (1) for a fiscal quarter.”.

15 (b) CONFORMING AMENDMENT.—Section
 16 411(a)(1)(A)(ix) of such Act (42 U.S.C. 611(a)(1)(A)(ix))
 17 is amended by striking “food stamps, or subsidized child
 18 care, and if the latter 2,” and inserting “or food stamps,
 19 and if the latter,”.

20 **SEC. 8. EFFECTIVE DATE.**

21 (a) IN GENERAL.—Except as provided in subsection
 22 (b), the amendments made by this Act shall take effect
 23 on October 1, 2002, and shall apply to payments under
 24 part A of title IV of the Social Security Act for calendar
 25 quarters beginning on or after such date, without regard

1 to whether regulations to implement the amendments are
2 promulgated by such date.

3 (b) DELAY PERMITTED IF STATE LEGISLATION RE-
4 QUIRED.—In the case of a State plan under section 402(a)
5 of the Social Security Act which the Secretary of Health
6 and Human Services determines requires State legislation
7 (other than legislation appropriating funds) in order for
8 the plan to meet the additional requirements imposed by
9 the amendments made by this Act, the State plan shall
10 not be regarded as failing to comply with the requirements
11 of such section 402(a) solely on the basis of the failure
12 of the plan to meet such additional requirements before
13 the 1st day of the 1st calendar quarter beginning after
14 the close of the 1st regular session of the State legislature
15 that begins after the date of the enactment of this Act.
16 For purposes of the previous sentence, in the case of a
17 State that has a 2-year legislative session, each year of
18 such session shall be deemed to be a separate regular ses-
19 sion of the State legislature.

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